

February 21, 2017

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: *Ex Parte* Presentation  
PS Docket No. 13-87**

Dear Ms. Dortch:

In accordance with Section 1.1206(b) of the FCC's Rules, Motorola Solutions Inc. ("Motorola Solutions") hereby submits this written *ex parte* communication to clarify its position on the Commission's rules and proposals related to compliance with the Project 25 Compliance Assessment Program ("CAP").

In its *Order on Reconsideration*,<sup>1</sup> the Commission modified Section 2.1033(c)(20) to "eliminate any ambiguity regarding the timing of CAP testing or the equivalent and whether CAP testing applies to the equipment certification process."<sup>2</sup> In response to this action, Motorola Solutions filed a Petition for Partial Reconsideration requesting that compliance with the newly revised Section 2.1033(c)(20) not become effective at least until the related provisions of Section 90.548 are finalized.<sup>3</sup> In support of that request, Motorola Solutions stated that deferring implementation would provide greater certainty about which features should be tested prior to commencing sales and, also, would provide the Commission with an opportunity to consider a more holistic review on the rules mandating compliance with P25 CAP, which is a significant departure from former voluntary program.<sup>4</sup>

One implementation detail that Motorola Solutions has identified as a potential issue is the P25 CAP requirement that manufacturers must test their products against equivalent products of three different manufacturers to demonstrate interoperability.<sup>5</sup> Motorola Solutions has noted that the rules do not provide an exemption or alternative testing procedures for new products that do not have comparable products in the market to test against.<sup>6</sup> Absent an appropriate alternative method for new products to satisfy the CAP, manufacturers may be unable to receive equipment authorization or market new products until additional manufacturers produce similar technologies, a clear disincentive for innovation in public safety technologies.

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<sup>1</sup> *Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands, Order on Reconsideration*, PS Docket No. 13-87 (rel. Aug. 22, 2016).

<sup>2</sup> *Id.* at ¶ 15.

<sup>3</sup> Petition for Partial Reconsideration of Motorola Solutions, Inc., PS Docket No. 13-87 (Oct. 31, 2016).

<sup>4</sup> *Id.* at 6.

<sup>5</sup> Comments of Motorola Solutions, Inc., PS Docket No. 13-87 (Oct. 26, 2016) at 4.

<sup>6</sup> *Id.*

In response to these concerns, the CAP Advisory Panel filed comments noting that in the event that the “rule of three” becomes an issue for new products, “the P25 CAP already includes an exception procedure that can be utilized to mitigate this issue.”<sup>7</sup> Motorola Solutions appreciates these comments and agrees that a properly defined and enforced exception procedure would help mitigate its concerns. However, Motorola Solutions believes that such an exception should be formally recognized by the FCC, either in the rules or in the text accompanying the Commission’s further action in this proceeding.

To that end, Motorola Solutions notes that Section 90.548(c) already states that “manufacturers may employ their own protocol for verifying compliance with Project 25 standards and determining that their product is interoperable among vendors.” When a manufacturer is unable to perform tests with equipment from other vendors, the Commission should make clear that the provisions of Section 90.548(c) and Section 2.1033(b)(20) could be satisfied by a manufacturer’s certification that its design complies with standards expected to enable interoperability across vendors and that the design has been evaluated using standard test procedures to verify compliance with Section 90.548.

Motorola Solutions is steadfast in its commitment to providing innovative public safety communications technologies while fully supporting efforts to ensure interoperability. It urges the Commission to consider these modest recommendations so that both goals can continue to be pursued.

Sincerely,

/s/ Chuck Powers

Chuck Powers  
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<sup>7</sup> *Reply Comments of the Project 25 Compliance Assessment Program Advisory Panel*, PS Docket No. 13-87, at 3 (Nov. 10, 2016).